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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/955,498 | 09/17/2001 | Ching-Wei Chang | TAL/7146.114 | 9797 |

7590 12/02/2005
Timothy A. Long
Chernoff, Vilhauer, McClung & Stenzel, LLP
1600 ODS Tower
601 S.W. Second Avenue
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EXAMINER

GRANT II, JEROME

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2626

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|---|--|
| Office Action Summary | Application No. 09/955,498 ✓ | Applicant(s) CHANG, CHING-WEI | |
| | Examiner Jerome Grant II | Art Unit 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

1.

Rejected Claims

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hubina et al.

With respect to claim 1, Hubina teaches a method of rendering a halftone cell on a memory card 30 serving as an electronic film (see figure 2a and halftone masks at the top of figure 3) comprising a plurality of pixels, the method comprising the steps of: rendering a first pixel (PI1) being visualized on a display 26 or TV 22 at a first intensity; and rendering second pixel

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(PI2) being visualized on a display 26 or TV 22 at a second intensity, said second intensity being greater than a minimum intensity, less than a max intensity, and substantially different from the first intensity, see figure 5.

With respect to claims 2 and 7, Hubina teaches the claimed subject matter as shown by figure 2a. Fig 2a shows rgb pixels displaced vertically and horizontally from other color pixels.

With respect to claims 3 and 8, Hubina teaches the claim limitation in that figure 6 shows where G is the second intensity and R is the first intensity.

With respect to claim 4, Hubina teaches rendering a halftone cell comprising an array of dots, a dot comprising at least one pixel, the method comprising the steps of :

Rendering a first dot PI1 visible perceptible on a display 26 or TV 22 at a first intensity (102 and 12); rendering a dot pixel (PI2) visible perceptible on a display 26 or TV 22 at substantially said first intensity, said second dot being displaced vertically and horizontally in the array from the dot. This is shown substantially by fig. 2a. Hubina teaches rendering a visually perceptible third dot at a second intensity, said second intensity being greater than a minimum intensity less than a max intensity, (see figure 6) and substantially different from the first intensity and rendering a fourth intensity (from the color W of figure 2b); rendering a visually perceptible fourth dot via display 26 or TV 22 the fourth dot being displaced vertically and horizontally relative to the third (PI3).

With respect to claim 5, this limitation is taught with respect to figure 6 and the distance between PI1 and PI3.

With respect to claim 6, Hubina teaches the rendering of a halftone image with a plurality of cells comprising the steps of: sampling an intensity of an original image at a plurality of locations (optics 102 and sensor 12); rendering a visually perceptible first pixel (PI1) via the display 26 or TV 22 at a first intensity, said first intensity relating a location and intensity of the first sample. This limitation is clearly shown in figure 5. Hubina teaches rendering a visually perceptible (via display 26 or TV 22) second pixel PI2 of halftone cell at a second intensity in response to a second sample, said second intensity in relating a location and an intensity of the second sample and being greater than a minimum intensity, less than a max intensity and different from the first. See figures 5 and 6.

2. Objected Claims

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims Allowed

3. Claims 11 and 12 are allowed.

4. Examiner's Remarks

Applicant's remarks have been considered but the application could not be allowed for the reasons presented below.

Applicant argues that the Hubina is directed toward continuous tone and does not render anything. The examiner contends that the writing of completed processing data onto memory 30 (as an electronic film) constitutes a type of half-toning method. See col. 4, lines 19-22. Furthermore, there is no language in any of the pending claims that data is rendered by a printing device. Data is, however, recorded onto the memory 30. Applicant later argues that Hubina merely captures an image. Although Hubina does not provide that a printer is used as a type of rendering device. The image is rendered on the display 26, TV 22 or memory 30. The visually perceptible images are displayed on the TV 22 and display 26.

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Claims 11 and 12 are allowed since they respectively include the limitations of claims 9 and 10.

5.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

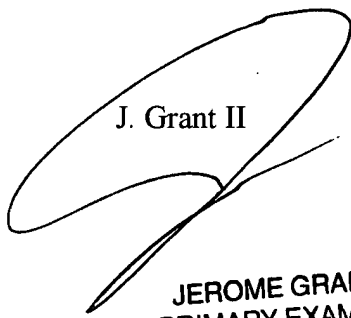
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. Grant II
JEROME GRANT II
PRIMARY EXAMINER